The Minutes

May 23, 2005

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Raye, Associate Justice; Robie, Associate Justice and Guzman, bailiff.

C047399 LEIMAN v. OCWEN FEDERAL BANK, FSB, et al.

Cause called. James W. Rushford argued for appellant. Eric D. Houser argued for respondents. Cause submitted.

At 10:00 a.m., the court recessed. At 10:06 a.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C044413 THE PEOPLE v. BANKS

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Janine R. Busch, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed until 9:30 a.m., Monday, June 20, 2005.

C044205 THE PEOPLE v. PIERCE (Not for Publication)

The judgment is affirmed. The trial court shall forward to the Department of Corrections a corrected abstract of judgment.

MORRISON, J.

I concur: Butz, J.

I concur in the judgment and in the opinion except as to section VI of the opinion as to which I concur in the result.

BLEASE, Acting P.J.

C044478 THE PEOPLE v. JEWETT (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

I concur: Davis, J.

I concur in the judgment and in the opinion, except as to part VII of the

Discussion, as to which I concur in the result.

Blease, Acting P.J.

C046154 THE PEOPLE v. CHAMBERS (Not for Publication)

The judgment is reversed and the cause remanded...

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

The Minutes

May 23, 2005, continued

C046564 THE PEOPLE v. JOHANNESSEN (Not for Publication)

The judgment in case No. 02F08952 is affirmed. The trial court is directed

to prepare an amended abstract of judgment...

CANTIL-SAKAUYE, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

C046830 THE PEOPLE v. BROWN (Not for Publication)

The appeal is dismissed.

NICHOLSON, J.

We Concur: SIMS, Acting P.J.

Cantil-Sakauye, J.

THE PEOPLE v. DORCH C047695 (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Sims, Acting P.J.

Cantil-Sakauye, J.

HILL v. TAHOE-TRUCKEE SANITATION AGENCY et al. C046413

(Not for Publication)

The judgment is affirmed.

BUTZ, J.

Raye, Acting P.J. We Concur:

Morrison, J.

O'CONNELL v. THE CITY OF STOCKTON et al. C044400

(CERTIFIED FOR PUBLICATION)

THE COURT:

It is ordered that the typewritten opinion filed on April 22, 2005, be

modified as follows:...

... This modification constitutes a change in the judgment. (California

Rules of Court, rule 24 (c) (2).)

BY THE COURT:

BLEASE, Acting P.J.

MORRISON, J.

BUTZ, J.

The Minutes

May 24, 2005

C045891 THE PEOPLE v. SMITH (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.

Davis, J.

C046640 THE PEOPLE v. MIKLES (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.

Robie, J.

C047970 THE PEOPLE v. SMITH (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Davis, J.

C045898 WALTRIP et al. v. KIMBERLIN et al. (Not for Publication)

The judgment is affirmed. Respondents shall recover their costs on

appeal. (Cal. Rules of Court, rule 27(a).)

MORRISON, J.

We Concur: Sims, Acting P.J.

Nicholson, J.

C046400 NEIGHBORS FOR RESPONSIBLE ACTION v. COUNTY OF BUTTE and

PARADISE ROD & GUN CLUB, INC. (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Hull, J.

Robie, J.

C046460 FILIP, as Special Administrator, etc. v. BUCURENCIU et al.

(Certified for Partial Publication)

The judgment is affirmed. Plaintiff is awarded costs on appeal.

HULL, J.

We Concur: Blease, Acting P.J.

Raye, J.

The Minutes

May 24, 2005, continued

C047118 ZUBER v. VALLE (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C047388 GAHLER v. SAN JOAQUIN COUNTY GENERAL HOSPITAL

(Not for Publication)

The judgment is reversed. Gahler shall recover his costs on appeal. (Cal.

Rules of Court, rule 27 (a).)

ROBIE, J.

We Concur: Morrison, Acting P.J.

Hull, J.

C047480 In re C.E. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v.

AMANDA I. (Not for Publication)

The order terminating appellant's parental rights is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Morrison, J.

May 25, 2005

C045633 THE PEOPLE v. SCARBROUGH III (Not for Publication)

The judgment is affirmed.

DAVIS, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

C045739 THE PEOPLE v. PAGAN (Not for Publication)

The judgment is affirmed.

HULL, J.

We Concur: Morrison, Acting P.J.

Cantil-Sakauye, J.

The Minutes

May 25, 2005, continued

C046232 THE PEOPLE v. GRACIANO (Not for Publication)

The judgment is modified...

... As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment with the aforementioned corrections and modifications and shall forward a copy of the same to the Department of Corrections.

HULL, J.

We Concur: Raye, Acting P.J.

Morrison, J.

C046711 THE PEOPLE v. ALLEN (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Davis, Acting P.J.

Morrison, J.

C046764 THE PEOPLE v. KARELAS (Not for Publication)

The judgment (order granting probation) is affirmed.

ROBIE, J.

We Concur: Raye, Acting P.J.

Hull, J.

C047793 THE PEOPLE v. CABRERA (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.

Hull, J.

C044745 WILMSHURST v. LANE et al. (Not for Publication)

The judgment is affirmed and the request for sanctions is denied. Costs on appeal are awarded to respondents. (Cal. Rules of Court, rule 27(a).)

SIMS, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

The Minutes

May 25, 2005, continued

C045745 BLANTON v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (Not for Publication)

The judgment is reversed, and the case is remanded to the superior court for further proceedings...

... Blanton shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a).)

ROBIE, J.

We Concur: Raye, Acting P.J.

Butz, J.

C047356 PICKERN v. BEST WESTERN TIMBER COVE LODGE MARINA RESORT et al. (Not for Publication)

The judgment is affirmed. The Lodge Owners shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a).)

ROBIE, J.

We Concur: Rave, Acting P.J.

Butz, J.

C048135 In re S.W. et al.; EL DORADO COUNTY DEPARTMENT OF HUMAN SERVICES (Not for Publication)

The judgment (order denying Keith W. visitation with his daughters S.W. and R. W.) is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.

Hull, J.

C049085 JUDY P. v. THE SUPERIOR COURT OF AMADOR COUNTY and AMADOR COUNTY DEPARTMENT OF SOCIAL SERVICES et al.

(Not for Publication)

The petition for extraordinary writ is denied.

SIMS, Acting P.J.

We Concur: Robie, J.

Cantil-Sakauye, J.

May 26, 2005

C046263 THE PEOPLE v. BLUE (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Robie, J.

The Minutes

May 26, 2005, continued

C047014 THE PEOPLE v. KEICHLER (CERTIFIED FOR PUBLICATION)

The judgment is affirmed.

ROBIE, J.

We Concur: Davis, Acting P.J.

Raye, J.

C048152 THE PEOPLE v. NEAL, JR. (Not for Publication)

The judgment is affirmed.

HULL, J.

We Concur: Davis, Acting P.J.

Raye, J.

C045951 ABBOTT, a Minor, etc., et al., v. UNION PACIFIC RAILROAD COMPANY (Not for Publication)

The judgment is affirmed.

Raye, Acting P.J.

We Concur: Robie, J.

Butz, J.

C046683 MADRID v. PEROT SYSTEMS CORPORATION et al.

(Not for Publication)

The judgment is affirmed. Defendants shall recover their costs on appeal.

(Cal. Rules of Court, rule 27(a).)

SIMS, J.

We Concur: Blease, Acting P.J.

Hull, J.

C046538 THE PEOPLE v. WELLMAN (Not for Publication)

THE COURT:

The opinion of this court filed April 29, 2005, in the above entitled case is modified as follows:...

... This modification does not effect a change in the judgment.

BY THE COURT:

BLEASE, Acting P.J. MORRISON, J. ROBIE, J.

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May 26, 2005, continued

C044201 ANOLIK v. EMC MORTGAGE CORP. et al.

(Certified for Partial Publication)

THE COURT:

It is ordered that the opinion filed herein on April 29, 2005, be modified as follows:

... There is no change in the judgment.

Respondent's petition for rehearing is denied.

BY THE COURT:

MORRISON, Acting P.J.

HULL, J. ROBIE, J.

C045215 SINGH v. VINTAGE ESTATES

(Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on April 29, 2005, be modified as follows:...

...There is no change in the judgment.

Appellant's petition for rehearing is denied.

BY THE COURT:

RAYE, Acting P.J.

BUTZ, J.

C037254 BRONCO WINE COMPANY et al. v. JOLLY, as Director, etc., et al. and NAPA VALLEY VINTNERS ASSOCIATION (CERTIFIED FOR PUBLICATION)

The petition for writ of mandate seeking to enjoin respondents from enforcing section 25241 with respect to wine that bears petitioners' federally approved labels is denied and the alternative writ is discharged. All parties shall bear their own costs in this proceeding. (Cal. Rules of Court, rule 56(1) (2).)

BLEASE, Acting P.J.

We Concur: Raye, J.

Morrison, J.

May 27, 2005

C047756 THE PEOPLE v. ANDRADE

(Not for Publication)

The trial court is directed to amend the abstract of judgment... As amended, the judgment is affirmed.

Blease, Acting P.J.

We Concur: Morrison, J.

Butz, J.

The Minutes

May 27, 2005, continued

C048514 THE PEOPLE v. MACIAS

(Not for Publication)

The judgment is affirmed. Scotland, P.J.

We Concur: Davis, J.

Robie, J.